

REMARKS

Examiner Till has rejected claims 2 and 3 of the present application under 35 U.S.C. § 103. For the reasons which follow, applicant respectfully traverses this rejection of the Examiner. The applicant does, however, wish to extend appreciation to Examiner Till for the quite detailed review of the claims of the present invention leading to the finding of patentable subject matter of the claims of the present application and an indication of the allowability of claims 4-21 if rewritten.

The dependency of claim 11 has been amended to overcome the rejection under 35 U.S.C. § 112. Favorable reconsideration is respectfully requested.

As set forth in the Office communication mailed on December 10, 2002 for Appln. No. 09/982,124, application claims 1-11 and 21 (renumbered as patent claims 1-12, see Notice of Allowability mailed on April 22, 2003) were the subject of a restriction with respect to claims 12-19. Thus, the double patenting rejection as to claims 12-19 has been overcome.

It should be appreciated that claim 2 has further differences than pointed out by the Examiner. In any case, if the double patenting rejection is continued in the present application and that is the only item outstanding preventing the issuance of a Notice of Allowance, Examiner Till should contact the undersigned so that such obstacles can be mutually resolved.

Schaeffer discloses nozzle means 76 disposed "in front of the cylindrical brush 10" and serving "to direct a cleaning solution in a longitudinal pattern onto the surface of the carpet immediately adjacent the length of the brush" (column 3, lines 47-51 of Schaeffer). Colt does not disclose if the floor tool assembly 182 includes an agitator but does disclose that fan-shaped streams are directed "onto the material being cleaned" (column 8, lines 38-42 of Colt). Neither Schaeffer or Colt suggest dispersing solution upon the agitator in a manner as recited in claim 2 as originally filed and/or in claims 22-24 as added and further that dispersing solutions at different locations and in different cleaning modes of operation are desirable or possible. Thus, it is respectfully submitted that the rejection of claims 2 and 3 under 35 U.S.C. § 103 has been overcome and that claims 2 and 22 and the claims which depend therefrom are in condition for allowance. Favorable reconsideration is respectfully requested.

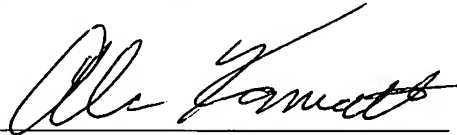
The Examiner has cited the United States patent listed in NOTICE OF REFERENCES CITED as C and indicated consideration of the United States and foreign patents and publication cited by applicants. By the lack of application of these references and others like them within the

classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicants' dual cleaning mode carpet extractor which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner and by the applicants, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 2-24, as amended, of the present application and to pass this application to issue.

Respectfully submitted,

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By 

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